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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,867	06/18/2001	Glenn Hogle	1161-1.CIP	3059
24955	7590	12/24/2003	EXAMINER	
ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92101			NGUYEN, ANTHONY H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/883,867	HOGLE ET AL. <i>(initials)</i>
	Examiner	Art Unit
	Anthony H Nguyen	2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 October 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 14-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 14-24 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. ____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

The amendment filed October 06, 2003 appears to be improper because the status of claims 1-13 and 25-31 which is indicated as "non-elected" is inaccurate. Note that the claims were canceled in the amendment filed February 14, 2003.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-16 and 19-24 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Weber et al. (US 5,616,897) in view of McConnell (US 5,037,054).

With respect to claim 14, Weber et al. teaches a support platform having a lower plate 20, an upper plate which supports keys 13, a bladder 40 (Figs.6 and 9) disposed between the plates. Weber et al. does not teach clearly the upper plate or the lower plate which is rigid. McConnell teaches a support plate, i.e., a lower plate 24 which is rigid for supporting a keyboard as shown in Fig.3 of McConnell. In view of the teaching of McConnell, it would have been obvious to one of ordinary skill in the art to modify the support platform of Weber et al. by providing a lower plate which is rigid as taught by McConnell to firmly support a keyboard for typing. It is noted that Fig.3 of McConnell shows the lower plate which is rigid to support the keyboard 26.

With respect to claim 15, Weber et al. teaches a pump 43 (Weber et al., col.6, the second paragraph) which communicates with the bladder for moving the upper plate with respect to the lower plate.

With respect to claim 16, the use of a bleed orifice in fluid communication with the bladder while not specifically shown in Weber et al. is necessary to provide an operative device.

With respect to claim 23, the upper plate is pivotally attached to the lower plate as shown in Fig.6 of Weber et al.

With respect to claims 19, 20 and 21, Weber et al. teaches all that is claimed, except for the support platform which is attached to an articulated arm extending from a desk. McConnell teaches a keyboard support platform 24 attached to an arm 18 extending from a desk 10. In view of the teaching of McConnell, it would have been obvious to one of ordinary skill in the art to modify the support platform of Weber et al. by attaching the support platform to an articulated arm as taught by McConnell for more precise controlling of the position of a keyboard for typing.

With respect to claims 22 and 24, the selection of a desired location that the bladder is disposed or moved within the support platform would be obvious through routine experimentation in order to get the best comfort of operating a keyboard.

Claims 17 and 18 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Weber et al. in view of McConnell as applied to claims 14-16 and 19-24 above, and further in view of Brown (US 5,806,115).

Weber et al. and McConnell teaches all that is claimed as explained above, except for a controller electrically connected to the pump. Brown teaches an adjustable position control system having a controller 22 which is electrically connected to a pump for adjusting the position of a support plate 33 (Brown, Figs. 3-5). In view of the teaching of Brown, it would have been obvious to one of ordinary skill in the art to modify the support platform of Weber et al. and

McConnell by providing the controller as taught by Brown to improve the efficiency of typing on a keyboard.

With respect to claim 18, the selection of a desired period of energizing or deenergizing the pump would be obvious through routine experimentation in order to get the best use of a keyboard by an operator.

Response to Arguments

Applicant's arguments with respect to claims 14-24 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments that modifying the keyboard of Weber et al. to have a rigid plate would be improper because it would defeat the principal purpose and mode of operation of Weber et al.

However, the combination of Weber et al. and McConnell would not defeat the principal purpose and mode of operation of Weber et al. since Weber et al. states that the keys of the keyboard can be made more rigid as conventional keyboard so that the tactile touch of the keys is improved (Weber et al., col.6 lines 14-2). It would have been obvious that the use of rigid keys would require a rigid plate or a rigid lower plate for operation. Therefore, as explained above, the combination of Weber et al. and McConnell would provide a firmly support a keyboard to improve the efficiency of typing.

Applicant argues that the bleed orifice means of claim 16 is not necessarily required in Weber et al. because the tube from the inlet 44 can be disconnected, therefore, the keyboard of Weber et al. can still function without a bleeding device.

It is noted that while Weber et al. does not show a bleed orifice in the inlet tube, it is necessary to provide an operative device because function of a bleed orifice is not only to deflate

the keyboard but also to hold the gas in the keyboard. Since the inlet tube is not function as a bleed orifice, therefore, there is a necessary a valve or a bleed orifice in the device of Weber et al.

In response to applicant's argument that Brown is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Brown clearly teaches a controller which is used to adjust the position of a support plate. Therefore, Brown is reasonably pertinent prior art as applied. It is also noted that the used a controller which connects to a pump for periodically turn on/off the pump is well known in the art.

In response to applicant's argument that there is no suggestion to combine the references. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, McConnell teaches clearly the support platform which is attached to an arm extending from a desk as recited in the claims. Note that it would have been obvious one of ordinary skill in the art to use the support platform of Weber et al. on the platform of McConnell for precise and ease of controlling the position of a keyboard for typing.

Applicant argument that one would be motived away from placing a portable keyboard on a fixture such as McConnell is not persuasive since it would have been obvious that one

would prefer to place a portable device, i.e., a foldable keyboard on a firm or stable support for ease of typing rather than to place it on an unstable support such as ones' lap for typing.

Therefore, it is believed that the rejections are proper since there is no apparent unobviousness in the structure recited in claims 14-24 relative to the structure of the prior art as applied.

Conclusion

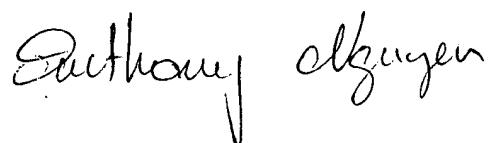
The patents to Chang and Sellers are cited to show other structures having obvious similarities to the claimed structure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



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12/17/03
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